

1 \*E-Filed 03/25/2010\*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MONTEREY MUSHROOMS, INC., and  
AMERIFRESH, INC.,

No. C 09-04297 RS

Plaintiffs,

**ORDER STAYING CASE AND  
REQUESTING STATUS UPDATE**

v.

LEO L. COTELLA & CO., INC.; DONALD  
N. RATTO; and BENEDETTO RATTO,  
JR.,

Defendants.

/

This case was re-assigned to the undersigned on March 18, 2010, and at that time all pending pre-trial and trial dates were terminated. Shortly thereafter, on March 23, 2010, defendant Leo L. Cotella & Co., Inc., (“Cotella”) filed for Chapter 7 bankruptcy before the Bankruptcy Court in this District. The remaining defendants, Donald N. Ratto and Benedetto Ratto, are alleged to be the President and Secretary of Cotella.

This matter is hereby STAYED. The parties should comply with the re-assignment order of March 18, 2010, which directed them to file a joint statement addressing certain case management issues. In addition to the issues listed in the previous order, the parties should also include a

1 statement of their respective positions on whether the Court should sever Cotella from this litigation  
2 and partially lift the stay as to the remaining solvent defendants. *See Symantec Corp. v. Logical*  
3 *Plus, Inc.*, No. C 06-07963 SI, 2009 WL 2905930 (N.D. Cal. 2009) (partially lifting automatic  
4 bankruptcy stay upon plaintiff's showing that insolvent defendant was severable). The deadline for  
5 submission of the joint statement is continued from April 2, 2010, to **April 30, 2010**.

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7 IT IS SO ORDERED.

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9 Dated: 03/25/2010

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11 RICHARD SEEBORG  
12 UNITED STATES DISTRICT JUDGE

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No. C 09-04297  
ORDER